



I. BACKGROUND

The Housing, Land and Property Area of Responsibility (HLP AoR) of the Global Protection Cluster was created in 2007. Activities conducted within this framework are therefore part of, and align with, the objectives, goals, priorities and principles of the Protection Cluster.

Somalia's Sub-Cluster on housing, land and property (HLP) rights will contribute to the overarching objective of the Somalia Protection Cluster to securing equal respect for the rights of individuals without discrimination, as provided for in national and international law. This sub-cluster supports the vision of protection being an affirmative framework covering the full range of rights. The sub-cluster will thus give particular attention to increasing security of tenure notably for internally displaced persons and others with a view to protect against rights violations, such as forced evictions, and contribute towards durable solutions, sustainable housing, increased land tenure security and property rights.

The HLP Sub-Cluster works under the Protection Cluster with a view to provide a forum for coordination of interventions, consensus- building, creation of partnerships and linkages to foster a strategic and consensual approach to address housing, land and property concerns. It will seek to facilitate a more predictable, inclusive, accountable and effective HLP response by a diversity of partners and will enhance cohesion among different partners. The HLP Sub-Cluster abides by humanitarian and 'do no harm' principles.

The geographical scope of this Sub-Cluster focuses on the southern and central regions of Somalia. As required, coordination with HLP working groups in Puntland and Somaliland will be facilitated.

II. RATIONALE FOR PRIORITIZATION OF HLP UNDER THE SOMALIA PROTECTION CLUSTER

1. Disputes involving HLP rights are both a fundamental cause and consequence of conflicts, including clan disputes. Competing HLP claims of the displaced, be they individuals or groups, often generate tensions within and across communities, hindering reconciliation, sustainable peace and stability.
2. HLP disputes pose significant challenges in humanitarian, recovery and resilience operations. As identified by the *IASC Framework on Durable Solutions for IDPs*, HLP disputes are among the key obstacles to durable solutions for displacement-affected populations. Improper determination, registration, administration and overall management of HLP issues may have negative ramifications on humanitarian and development activities and investments. Hence, if HLP concerns are not addressed as part of the humanitarian response, they are likely to impair durable solutions and other development processes.
3. Patterns of migration and return, from rural to urban centres, and vice versa, have implications on land in terms of rights and resource access, conflict and tenure security.

4. Rapid urbanization has led to the creation of informal settlements, forced evictions and similar urban emergencies. These affect the protection of IDPs and others and require strategic and coordinated approaches.
5. Women's socio-culturally-conditioned lack of access to HLP rights reduces their participation in household decision-making, undermines their coping capacities and often deprives them of basic security and protection.
6. Legal pluralism, involving conflicting and outdated normative frameworks and inadequate resources for their implementation, impairs HLP dispute resolution in both formal and informal systems. This is further exacerbated by widespread lack of awareness of HLP rights (customary, Xeer and Sharia jurisdictions), concepts and applicable norms and procedures.

III. OBJECTIVES OF THE HLP SUB-CLUSTER

1. Overall objective:

To enhance the level of housing, land and property rights protection for displacement affected populations, and other persons at risk of HLP rights violations in the same context.

2. Specific objectives

- To identify priority HLP protection concerns in the South Central region of Somalia and to provide leadership and guidance in addressing and resolving them, in view to enhance HLP considerations in the humanitarian response contexts and to secure durable solutions for IDPs;
- To support effective coordination of HLP protection activities responding to the identified key concerns in Somalia in order to enhance accountability, predictability and effectiveness of humanitarian actions and linkages to development initiatives;
- To ensure that regular HLP assessments are carried out, where required, and/or integrate the implementation of other Protection assessments and tools;
- To develop appropriate relevant response strategies and plans of action and ensure a coordinated implementation;
- To undertake advocacy efforts to support preventive, remedial and reparatory actions by the relevant authorities, in accordance with their obligations;
- To undertake capacity building and sensitisation of stakeholders; and
- Support resource mobilisation efforts for HLP activities and the wider Protection Cluster.
- Support community based approaches for land dispute/conflict resolution and other HLP issues and facilitate engagement with government and other authorities

IV. CORE FUNCTIONS

1. Supporting and coordinating HLP responses:

- Provide a coordination platform to ensure that responses are driven along agreed upon strategic HLP priorities;
- Develop relevant tools for coordinated and standardized HLP protection assessments and responses and coordinate the implementation.
- Develop an HLP emergency response plan looking at assessment, response, coordination and referrals in liaison with other Clusters, noting the multi-sectoral nature HLP issues incur.
- Ensuring that HLP components are included in relevant humanitarian and, where applicable, development planning processes;
- Mapping of partners and stakeholders conducting HLP-relevant activities and regularly report through the Protection Cluster's 4W matrix.
- Ensure regular information collection and sharing through the Protection Cluster.
- Undertake community sensitization on HLP rights and facilitate the dissemination of HLP relevant information to IDPs and other targets groups;
- Undertake HLP mainstreaming among interested agencies, clusters, working groups and other *fora*.

2. Generating knowledge on HLP rights in Somalia

- Conducting and contributing to studies pertaining to housing, land and property rights in Somalia;
- Development of policy series on housing, land and property rights in Somalia with contributions by experts;
- Monitoring and collection of data relevant for effective advocacy, policy and strategy development and responses.

3. Planning, policy and strategy development

- Develop HLP plans for prevention and response, with clear objectives and indicators that directly support realization of the overall strategic priorities of the Protection Cluster and contribute to relevant humanitarian planning and resource mobilization processes (CAP, HRP, Mid-year reviews, CERF and others);
- Develop, operationalize and review HLP relevant policy, strategy and operational guidance, and contribute to dissemination and application of existing documents, notably related to evictions, relocations, land tenure, land administration, access to adequate shelter and housing, dispute settlement and access to justice, urban planning and development, or property systems.

4. Advocacy

- Identify HLP advocacy priorities and undertake respective strategic advocacy as part of the Protection Cluster and contribute and support respective efforts by the ICCG, HC and HCT as appropriate;
- Include advocacy strategies oriented at changing inadequate legal frameworks. Where they do not exist, advocacy strategies will be aimed at creating new ones for critical and unregulated HLP matters.
- Undertake advocacy activities on behalf of partners and the affected population as adequate;
- Mobilizing and linking efforts of the HLP Sub-Cluster with relevant development and political activities in the same area

5. Capacity development on HLP

- Provide training for partners and other interested Clusters on HLP mainstreaming;
- Provide targeted training on prioritized HLP concerns, policies, and tools pertaining to HLP.

6. Monitoring and reporting

- Monitoring and evaluating the implementation of the HLP sub cluster's priorities and strategies and recommend corrective action where required.
- Report on the progress made to the authorities, donors, Protection Cluster and other stakeholders.

The objectives and functions mentioned in the above paragraphs form the basis for the development of a workplan which will be reviewed at regular intervals in consultation with partners participating in the HLP sub-cluster.

V. MEMBERSHIP AND PARTICIPATION

The participation to the HLP Sub-Cluster in Somalia is open and it aspires to reach the optimum levels of inclusiveness and operational effectiveness.

1. Criteria for membership and participation:

- a) HLP Sub-Cluster humanitarian partners are members of the Somalia Protection Cluster;
- b) Operational relevance in the emergency phase and contribution to durable solutions efforts;
- c) Technical expertise;
- d) Demonstrated capacity to contribute strategically and to provide practical support;

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- e) Compliance with security and confidentiality criteria imposed by the current security situation in Somalia and;
 - f) Commitment to contribute consistently;
 - g) Regular participation in the HLP SC meetings in Mogadishu;
 - h) Required completion of the quarterly 4W (monthly) when requested by the HLP SC chairs or PC Secretariat or group chairs. An organisation that does not complete three (3) consecutive quarterly 4Ws, or six consecutive monthly WG 4Ws, is deemed by the HLP Secretariat to no longer undertake HLP working group activities;
 - i) Organisations must undertake responsive and/or preventative activities that are not purely advocacy, capacity building, or awareness raising;
 - j) Share responsibility for HLP Sub-Cluster activities, including assessing needs, developing plans, policies, and guidelines; and
 - k) Respect and adhere to agreed principles, policies, priorities, and standards and the ability to work in recognition of principles of partnership.

Membership will be determined in line with these criteria by the HLP SC chair and co-chair in consultation with the PC Secretariat. A list of the envisaged membership is contained in Annex 1.

VI. STRUCTURE, GOVERNANCE, MANAGEMENT

1. Chair, Co-chair and Secretariat

The HLP Sub Cluster is led by UN-Habitat and the Norwegian Refugee Council (NRC) as co-chair. It operates with the support of and in close collaboration with the Protection Cluster Secretariat. Specific Tasks of the Chair and Co-chair include:

- a. Identification of key protection partners;
- b. Development of TOR, workplans and other relevant documents for the HLP Sub-Cluster;
- c. Coordination of implementation of assessments and responses;
- d. Gathering and consolidation of relevant data and sharing with the Protection Cluster;
- e. Coordinating the planning, policy and strategy development
- f. Monitoring, evaluation and reporting
- g. Contributing to advocacy and resource mobilization
- h. Coordination with the work of the Protection Cluster, other Sub-Clusters on GBV, Child Protection and Explosive Hazards and where relevant with other regional HLP groups in Puntland and Somaliland.

The HLP Secretariat consists of the Chair and Co-Chair and other support officers and is supported by the Protection Cluster Secretariat as required. The Secretariat's role is to manage the day-to-day operation of the Sub-Cluster in close consultation and collaboration with the Protection Cluster.

As relevant and in consultation with the Protection Cluster Secretariat, field HLP Sub-Clusters can be established as part of the field Protection Clusters. Should the need arise to establish thematic sub-structures, this should be considered by the membership.

2. Meeting Frequency

- a. HLP meetings will in principle be held every last Wednesday of the month in Mogadishu.
- b. Extraordinary meetings may be called by the Chair/Co-Chair, or at the request of any of its member or the Protection Cluster Secretariat.
- c. Cancellation of a meeting should be timely communicated by the chair and a date to reconvene the meeting should be proposed.

3. Agenda and Action Points

- a. The monthly HLP meeting will be arranged by its Secretariat. A draft agenda will be circulated to HLP Members 7 days before the meeting. Draft minutes will be circulated shortly after the meeting – ideally within the next 48h.
- b. At the general HLP meeting updates from the Protection Cluster and its other sub-clusters are as standing agenda item.
- c. Prior to wider circulation, sensitive information will be redacted to ensure confidentiality.
- d. Action Points of the national HLP meeting will be sent to the National PC
- e. Action Points from Regional HLP meetings will be received by the national HLP Secretariat, consolidated and sent to the National PC.
- f. Feedback and decision(s) reached by the Protection Cluster's Strategic Advisory Group will be communicated to HLP WG by the PC Chair or HLP Chair and co-Chair.

4. Revision and adjustment of TOR

These Terms of Reference may be reviewed and amended on an annual basis or if revisions become urgent.

Annex 1: Envisaged HLP SC membership

The following membership is envisaged:

1. Authorities: Relevant National and Local Administrations – (e.g. regional administrations MoIF, Ministry of Justice, Ministry of Public Works etc)
2. Representative of the AMISOM/Somali police (specific);
3. International community and national civil society: UN-Habitat, UNHCR, UNDP, UNSOM, Norwegian Refugee Council, Danish Refugee Council, ASWL, SWDC, World Bank and FAO (and others expressing interest in contributing to the group).